

1-1 By: Ellis S.B. No. 2279
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 20, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 20, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2279 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the dedication of certain civil penalties for
1-11 violations of the Deceptive Trade Practices-Consumer Protection
1-12 Act to provide civil legal services to the indigent.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 402.007, Government Code, is amended to
1-15 read as follows:

1-16 Sec. 402.007. PAYMENT TO TREASURY; ALLOCATION OF CERTAIN
1-17 PENALTIES. (a) The attorney general shall immediately pay into
1-18 the state treasury money received for a debt or penalty.

1-19 (b) The comptroller shall credit to the judicial fund for
1-20 programs approved by the supreme court that provide basic civil
1-21 legal services to the indigent the net amount of a civil penalty
1-22 that is recovered in an action by the attorney general in any matter
1-23 actionable under Subchapter E, Chapter 17, Business & Commerce
1-24 Code, after deducting amounts allocated to or retained by the
1-25 attorney general as authorized by law, unless:

1-26 (1) another law requires that the penalty be credited
1-27 to a different fund or account; or

1-28 (2) the judgment awarding the penalty requires that
1-29 the penalty be paid to another named recipient.

1-30 SECTION 2. The change in law made by this Act applies to a
1-31 civil penalty in an action by the attorney general under a provision
1-32 of the Business & Commerce Code that is received on or after the
1-33 effective date of this Act.

1-34 SECTION 3. This Act takes effect immediately if it receives
1-35 a vote of two-thirds of all the members elected to each house, as
1-36 provided by Section 39, Article III, Texas Constitution. If this
1-37 Act does not receive the vote necessary for immediate effect, this
1-38 Act takes effect September 1, 2009.

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